

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SHAWN PADILLA,
Plaintiff,
v.
MGM Grand Hotel, LLC et al.,
Defendants.

Case No. 2:22-cv-02109-RFB-BNW

ORDER

Before the Court for consideration is the Report and Recommendation (ECF No. 34) of the Honorable Brenda N. Weksler, United States Magistrate Judge, entered on September 29, 2023. A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). A party may file specific written objections to the findings and recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Local Rule IB 3-2(a). When written objections have been filed, the district court is required to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); see also Local Rule IB 3-2(b). Where a party fails to object, however, a district court is not required to conduct “any review,” de novo or otherwise, of the report and recommendations of a magistrate judge. Thomas v. Arn, 474 U.S. 140, 149 (1985). Pursuant to Local Rule IB 3-2(a), objections were due by October 13, 2023. No objections have been filed. The Court has reviewed the record in this case and concurs with all of the Magistrate Judge’s recommendations.

In addition to adopting Judge Weksler’s recommendations, the Court also finds that the former Defendant, Nevada Gaming Control Board’s (“NGCB”), Motion to Dismiss (ECF No. 17)

1 is moot. NCGB filed its motion on March 28, 2023, asserting that, as a state agency, it was immune
2 from 42 U.S.C. §1983 and state law claims. Subsequently, on April 6, 2023, Plaintiff and the
3 NGCB filed a separate Unopposed Joint Motion to Dismiss NGCB from the suit with prejudice.
4 ECF No. 19. The Court granted this motion on April 7, 2023. ECF No. 20.

6 **IT IS THEREFORE ORDERED** that the Report and Recommendation (ECF No. 34) is
7 ACCEPTED and ADOPTED in full.

8 **IT IS FURTHER ORDERED** that Plaintiff's third cause of action for premises liability
9 is DISMISSED.

10 **IT IS FURTHER ORDERED** that ECF No. 17 and ECF No. 18 are DENIED as moot.

13 **DATED:** January 12, 2024.



14 RICHARD F. BOULWARE, II
15 UNITED STATES DISTRICT JUDGE
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